

## **MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., September 10, 2003, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

### **INVOCATION**

Jennie O'Connor, Diocese of Phoenix, delivered the invocation.

### **PLEDGE OF ALLEGIANCE**

Sondra Acedo, Office of the Clerk of the Board, led the assemblage in the Pledge of Allegiance.

### **PET OF THE MONTH**

September's "Pet of the Month" was a one-year Chihuahua mix named Baxter from Maricopa County's Animal Care & Control Center on 35<sup>th</sup> Avenue north of Camelback Road. Baxter has received all his shots and his microchip identification and will be ready for adoption after 1:00 o'clock today. Since this is "adopt a pet weekend" many other adoptable dogs and cats will also be available for families to look at.

### **PROCLAMATION**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to proclaim September 2003 as Arizona Food Safety Education Month. Al Brown, Director of Maricopa County Environmental Services Department, received the proclamation from Chairman Brock. The Chairman reminded the public that the County's website, [www.maricopa.gov](http://www.maricopa.gov) has a link to obtain a record of the previous three years of inspections and re-inspections that have been made by the department on eating establishments in the County. He reminded citizens to check the listing often to find the cleanliness and sanitation rating of their favorite restaurants. (ADM654)

**WHEREAS**, on behalf of the citizens of Maricopa County, we are pleased to join with the Serve It Arizona Alliance, a coalition of Arizona health departments, and the Arizona Restaurant and Hospitality Association and Arizona Food Marketing Alliance that protect citizens in this state from foodborne illness, and

**WHEREAS**, an estimated 76 million cases of disease, 325,000 hospitalizations and 5,200 deaths related to foodborne illness occur each year in the United States, and

**WHEREAS**, Maricopa County performs more than 42,000 inspections of restaurants, supermarkets, school cafeterias, hospitals, and establishments where food is prepared and served in the county, and

**WHEREAS**, the tireless efforts made by the dedicated men and women who are trained to prepare and handle food safely in restaurants, supermarkets, school cafeterias, hospitals and everywhere food is prepared and served in this County deserve praise and recognition, and

**WHEREAS**, a total of 1,896 cases of foodborne illness were reported in Arizona during 2002. Children under the age of 5 had the highest risk of having a foodborne illness. Of the cases with known race (60

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

percent), Native Americans and Hispanics were approximately 4 times more likely to be reported with Shigellosis than Caucasians.

**NOW, THEREFORE, BE IT RESOLVED** that the Maricopa County Board of Supervisors does hereby proclaim September 2003 as Arizona Food Safety Education Month and encourage safe food-handling and preparation now and throughout the year.

**DATED** this 10<sup>th</sup> day of September 2003.

/s/ Chairman Fulton Brock, District 1  
/s/ Supervisor Don Stapley, District 2  
/s/ Supervisor Andy Kunasek, District 3  
/s/ Supervisor Max W. Wilson, District 4  
/s/ Supervisor Mary Rose Wilcox, District 5

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**YOUNG LAWYER OF THE YEAR RECOGNITION**

Recognition of Ms. Cari Gerchick, Communications Director of the Clerk of the Superior Court, for being selected by the State Bar of Arizona, Young Lawyers Division, as the Young Lawyer of the Year (2003). (ADM650)

Chairman Brock introduced Ms. Gerchick saying she is an Arizona native and a graduate of the University of Arizona with a degree in business. She received her law degree from Arizona State University. Ms. Gerchick has served as Communication Director for Michael Jeanes, Clerk of the Superior Court, for the past two years. She takes a very active part in many civic and professional organizations in the Valley.

**CODE ENFORCEMENT REVIEW - SHARON LEE KINNEY**

Chairman Brock called for a public hearing in the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2002-0000376, Sharon Lee Kinney. (ADM3417-19)

Joy Rich, Chief Regional Development Services Officer, said this hearing is for an appeal to an Order to Show Cause Hearing and not an appeal of the violation itself.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to uphold the Hearing Officer's Order of Judgment.

**LIQUOR LICENSE APPLICATIONS**

Motion was made by Supervisor Wilcox, and seconded by Supervisor Kunasek, to recommend approval on the following liquor licenses:

- a) Application filed by Emmett J. FitzPatrick for a Special Event Liquor License: (F23105)

Organization:	St. Steven's Catholic Church
Location:	24827 South Dobson Road, Sun Lakes
Dates/Times:	Wednesday, October 8, 2003; 5:00 p.m. – 10:30 p.m. Friday, November 14, 2003; 5:00 p.m. – 12:00 midnight

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

- b) Application filed by Roger J. Scharenbroich for a Special Event Liquor License: (F23105)

Organization: Knights of Columbus  
Location: Church Hall, 9728 Palmeras, Sun City  
Date/Time: Saturday, October 25, 2003; 4:00 p.m. – 11:30 p.m.

- c) Application filed by Rayna Palmer for a Special Event Liquor License: (F23105)

Organization: Apache Junction Main Street  
Location: Dolly Steamboat, Canyon Lake  
Date/Time: Friday, November 7, 2003, 4:00 p.m. – 9:00 p.m.

- d) Application filed by Stuart R. Smith for a Special Event Liquor License: (F23105)

Organization: Banner Health Foundation  
Location: 29806 North Beeline Highway  
Date/Time: Saturday, September 20, 2003; 5:00 p.m. – 10:00 p.m.

Motion carried by majority vote (4-0-1) with Supervisors Kunasek, Wilson, Wilcox, Stapley voting “aye” and Supervisor Brock voting “no.”

**FY 2004 AUDITS VIA TRANSFER FROM GENERAL GOVERNMENT CONTINGENCY - CONTINUED**

Item: Fund the following FY 2004 audits via transfer from General Government Contingency as described below:

- MIHS Business Office: \$51,214
- Materials Management Department: \$49,542

Per ARS §42-17106 (B), transfer expenditure authority from FY 2003-2004 contingency funds in the amount of \$49,542 from General Government General Fund General Contingency (Department 470/Fund 100) to the Internal Audit Department (Department 230/Fund 100). Also transfer expenditure authority from FY 2003-2004 contingency funds in the amount of \$51,214 from General Government General Fund General Contingency (Department 470/Fund 100) to General Government General Fund Consultants/Internal Audit (Department 470/Fund 100). These adjustments will result in a Countywide net impact of zero. The areas specified for audit are listed on the Board-approved FY 2004 audit plan. (The Office of Management and Budget (OMB) Does Not Recommend Approval Of This Request.) C23040020) (ADM2600)

The Clerk stated that this item has been continued to the September 24, 2003, meeting.

**INTERGOVERNMENTAL SERVICE AGREEMENT WITH PIMA COUNTY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Service Agreement (ISA) between Pima County Sheriff's Department and the Maricopa County Attorney's Office accepting \$83,519 in High Intensity Drug Trafficking Area (HIDTA) Grant funds from Pima County Sheriff's Department. This agreement will commence on October 1, 2002, through September 30, 2004. Expenditures and revenues received will commence on November 10, 2003. Acceptance of this agreement will allow the County Attorney's Office to support and enhance activities intended to deter, investigate, and/or prosecute drug offenders. The grant funds may not be

**FORMAL SESSION  
September 10, 2003**

expended for any indirect costs that may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. The Department of Finance has calculated the County Attorney's composite indirect cost rate at 15.7%. The non-recoverable indirect cost of administering this grant is \$13,112.49. By approving this agenda item, the Board will be authorizing the acceptance of additional grant funding that is not budgeted, thus causing a budget amendment to be authorized. There will be a budget amendment to be authorized for the County Attorney Grant Fund (219). This amendment will increase the County Attorney's revenue and expenditure levels for FY 2003-2004 by \$4,579. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C19040132)

**EXPENDITURES AND TRANSFERS**

Per ARS §42-17106B, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following expenditures and transfers:

- a) \$13,371 from General Fund Appropriated Fund Balance General Contingency to a new line item in Appropriated Fund Balance Other General Fund Programs: Boathouse Grant Match (Canyon and Saguaro Lakes) C50035293 and C5001049302
- b) \$75,000 from General Fund Appropriated Fund Balance General Contingency to a new line item in Appropriated Fund Balance Other General Fund Programs: Boating Safety Aid Station/Education Center Grant Match C5001051303
- c) \$10,747 from General Fund Appropriated Fund Balance General Contingency to a new line item in Appropriated Fund Balance Other General Fund Programs: Wants and Warrants RMS Module Grant Match C50035510
- d) not-to-exceed amount of \$90,462 from General Government Contingency to a new line item in General Government Other General Fund Programs: MCNNET Grant Match C50035480.

These matches total \$189,580, and the grant award amounts total \$1,510,396. The Sheriff's Office 2003-2004 indirect cost rate is 14.5%. (C50040178) (ADM3900-003)

**RETAIN 25 SERVICEABLE VEHICLES SCHEDULED TO BE REDLINED AND TEMPORARY ADDITION TO THE FLEET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve authorization for Equipment Services to retain 25 serviceable vehicles scheduled to be redlined out of the Sheriff's Office fleet and allow them to remain as part of a temporary addition to the fleet to be used from November 25, 2003, through January 3, 2004, for holiday mall patrol. Fuel costs are estimated to be \$5,000 and will come from Sheriff's Office budgeted funds. Maintenance costs will not be incurred if redlined vehicles break down. (C5004020M) (ADM3104)

**ONE-TIME TEMPORARY ADDITIONS TO THE FLEET AND EXEMPT FROM MARKINGS – THREE RICO FUNDED VEHICLES**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a one-time addition of three, RICO funded vehicles to the Sheriff's Office fleet to be used in the Investigations Unit and Counter-terrorism Unit. These three 1999 Ford Crown Victoria models are valued at \$10,349.35 each, tax included, for a total cost of \$31,048.05. Two of the sedans have 37,000 original miles and the third has 30,000 original miles. The vehicles will be exempt from governmental markings, including non-governmental license plates, pursuant to ARS §38-538.03. These are temporary additions to the fleet and will be retired at the end of their useful life with no funding from the General Fund for replacement and the county's fleet will automatically be reduced. RICO funds will be used to purchase and to cover the operating expenses of these vehicles. (C5004021M) (ADM3104V)

**DONATION OF ONE-TIME TEMPORARY ADDITION TO THE FLEET – ONE 1986 CHEVROLET VAN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a donation from the Department of Defense and a one-time addition to the Sheriff's Office fleet of one 1986 Chevrolet 12-passenger van that has 73,180 original miles and is valued at \$20,094. The Maricopa County Sheriff's Office will use this vehicle primarily in conjunction with its community service and education activities involving the East Side Explorers Honor Guard. This is a temporary addition to fleet and will be retired at the end of its useful life with no funding from the General Fund for replacement, and the County's fleet will automatically be reduced. The annual estimated operating cost is \$2,000. (C5004022M) (ADM3104)

**EXCEPTION TO VEHICLE REPLACEMENT POLICY, ADDITION TO THE FLEET, AND EXEMPT FROM MARKINGS – TWO VEHICLES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an exception to the vehicle replacement policy of a like for like vehicle replacement of a 1992 Chevy T30, for two, smaller vehicles. One vehicle is a 2003 Ford Crown Victoria with a fully equipped value of \$33,626 and the other is a 2004 Ford Explorer with a fully equipped value of \$35,543. The Tactical Operations Unit (TOU) of the Sheriff's Office no longer has any use for the bread truck style van, which is scheduled for replacement at 70,000, and requests that funds be used to purchase two more practical vehicles. Approval of this exception would result in one addition to fleet. The estimated annual operating costs, approximately \$5,000 per year each, will be paid from budgeted funds. Also approve exemptions from markings, including non-governmental license plates, pursuant to ARS §38-538.03. (C5004023M) (ADM3104V)

**REWARDING IDEAS EMPLOYEE AWARDS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize employee awards from the Rewarding Ideas Program in the amount of \$7,623 and present awards on September 24, 2003. (C20040029) (ADM3333-002)

**PERSONNEL AGENDA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Personnel Agenda (Judicial Branch and Maricopa County). ([List on file in the Clerk of the Board's Office.](#))

**ANNUAL GAINSHARING AWARDS FOR ELIGIBLE EMPLOYEES WHO PARTICIPATED IN VARIOUS PROGRAMS**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve annual (July 1, 2002, through June 30, 2003) gainsharing awards for eligible employees who participated in the following programs.

- a) Public Fiduciary Gainsharing Program - The Board approved this program on December 4, 2002 (Agenda No. C35030106). Also, in accordance with ARS §42-17106B, approve the transfer of \$65,743 in expenditure appropriation from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) to a new program in Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812) entitled "Gainsharing Program Awards" to fund these awards. (C35040020) (ADM3345-002)
- b) Finance Collections Unit - The Board approved this program on December 18, 2002 (Agenda No. C35030146). Also, in accordance with ARS §42-17106B, approve the transfer of \$1,012.33 in expenditure appropriation from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) to a new program in Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) to a new program in Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812) entitled "Gainsharing Program Awards" to fund these awards. (C35040030) (ADM3345-002)
- c) Human Services Department Gainsharing Program – The Board approved this program on June 18, 2002 (Agenda No. C35030270). The total amount of the award is \$155,856.25 and will be paid to the eligible employees out of the existing FY 2004 Human Services Grant Fund (222) budget. No budget adjustment is necessary. (C35040070) (ADM3345-002)

**FUNDING ALLOCATIONS AND AMENDMENT TO MANAGEMENT & IMPLEMENTATION AGREEMENT WITH TOWN OF WICKENBURG**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve funding allocations from the Community Development Block Grant (CDBG) Contingency Fund for \$83,855.60 and Amendment No. 1 to the Management & Implementation Agreement (MIA) between Maricopa County and the Town of Wickenburg for the Senior Respite Care Center Project, DG0112. On May 2, 2001, under C17020010ZZ, the Board approved the CDBG Project (DG0112) Senior Respite Care Center (C17020130) in the amount of \$230,000. The Town of Wickenburg has requested \$83,855.60 from the CDBG Contingency Fund for the Senior Respite Care Center Project (DG0112) and on August 13, 2003, the Community Development Advisory Committee (CDAC) concurred and recommended approval by the Board. The need for additional funding is to cover a shortfall caused by higher than expected bids at a June 9, 2003, bid opening. Circumstances related to demolition, drainage, and site work have caused substantial cost overruns. Total funding for this project would be \$433,855.60, which includes \$120,000 non-CDBG leveraged, Town funds. (C1702013001)

**CONSULTANT SERVICE CONTRACT WITH TRK ARCHITECTURE & FACILITIES MANAGEMENT, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute the consultant services contract with TRK Architecture & Facilities Management, Inc., for the professional engineering services to be performed in connection with the "San Tan Mountain Regional Park Improvements" in the amount of \$77,796.48. The scope of work for this project includes



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

design and construction documents for a 2,000 square foot entry station with public restrooms and drinking fountain, an adjacent 100 square foot contact station, employee and visitor parking, two park host sites, and infrastructure such as an entry road, water, electric, telephone, and septic system. The funds to pay for the contracted amount will be from San Tan Mountain Regional Park Improvements project in the General Government Capital Improvement Fund. The \$77,796.48 design fees will be phase one and the remaining balance of the project monies will be utilized to fund the construction and furnishing of the facility. (C30040035)

**FUND TRANSFERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Solicitation Serials:**

**03054-ROQ      LEGAL SERVICES PROVIDERS-COUNTY ATTORNEY II** (\$500,000/est two (2) years with three (3) one (1) year renewal options)  
Recommendation for award for 23-month contract for Legal Services Providers as recommended by the County Attorney's Office.

- Jorden Bischoff McGuire & Rose PLC
- Klein Lundmark Barberich & Lamont PC

**03063-C      HELICOPTER/AIRCRAFT PARTS, ACCESSORIES** (\$300,000/est three (3) years with one (1) three-year renewal option)  
Award recommendation for Helicopter/Aircraft Parts, Accessories & Repair Services as requested by the Maricopa County Sheriff's Office.

- Aviall Service

**Increase in the contract amount for the following contract(s).** This request is due to an increased usage by County departments:

**01177-C      FENCING - PURCHASE, RENTAL, REPAIR AND NEW INSTALLATION** (\$111,000)  
Increase contract value from \$419,000 to \$530,000. The Parks and Recreation Department requested this \$111,000 Increase for additional fencing requirements. Contract was initially awarded in the amount of \$119,000 on June 26, 2002, and subsequently had its value increased by \$300,000 on December 18, 2002. Contract expiration date is June 30, 2004.

- American Fence & Security Inc.

**FORMAL SESSION  
September 10, 2003**

- Browns Custom Fence

**02090-C**

**PORTABLE AND TRUCK MOUNTED VARIABLE MESSAGE SIGNS AND PORTABLE RADAR SPEED SIGNS (\$200,000)**

Increase contract value from \$520,000 to \$720,000. This \$200,000 increase is requested by McDOT to purchase additional electronic message signs. Contract was initially awarded on November 6, 2002, and expires November 30, 2004.

- Decatur Electronics
- US Traffic Corp
- Intelicom Inc.
- 3M Company

**APPEAL OF LEWIS v. MARICOPA COUNTY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the appeal of Lewis v. Maricopa County CV00-022153. (Discussed in Executive Session on August 25, 2003.) (C75040020) (ADM409)

**TRANSFER FROM APPROPRIATED FUND BALANCE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a transfer of \$84,000 from Appropriated Fund Balance Department 480 General Fund 100 General Contingency to a new line item entitled "Environmental Services – Vector Control Vehicles" in Appropriated Fund Balance Other General Fund Programs. Approval of this action will allow the Environmental Services Department Vector Control Activity to expand the fleet with the purchase of two vehicles and two insecticide foggers at a cost of \$84,000. The new vehicles will be equipped for alternative fuel. The vehicles will be utilized for Vector control services and assist with efforts to reduce the health impact of the West Nile Virus. This adjustment will result in a countywide net impact of zero. The funding to purchase these vehicles was originally approved by the Board with Agenda No. C8803037M. Purchasing documents were not completed prior to year-end and the transaction was not executed. The Vector Control Service Budget finished FY 2003 with a funding surplus because this transaction did not occur. These are not replacement vehicles and will result in an overall increase of two vehicles to the fleet. Expenditures required to operate these vehicles will also come from the Vector Control operating budget. (C88040048) (ADM2350)

**AMENDMENT TO CONTRACT WITH PHOENIX CHILDREN'S HOSPITAL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to contract with Phoenix Children's Hospital, for the provision of HIV behavioral health services. The amendment increases the contract dollar amount by \$2,369, effective upon Board approval. Total funding for the period ending February 29, 2004, will increase from \$1,631 to \$4,000. (C8603704101)

**AMENDMENTS TO INTERGOVERNMENTAL AGREEMENTS WITH PINAL COUNTY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to Intergovernmental Agreements with Pinal County, by and through the Pinal County Health Department for the provision of HIV services, as follows:

- a) Counseling & testing services, increasing the contract dollar amount by \$16,122, and replacing the budget narrative and fee schedule, effective upon Board



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

approval. Total funding for the period ending February 29, 2004, will increase from \$3,878 to \$20,000. (C8603708201)

- b) Service coordination services, increasing the contract dollar amount by \$18,052, and replacing the budget narrative and fee schedule, effective upon Board approval. Total funding for the period ending February 29, 2004, will increase from \$1,948 to \$20,000. (C8603718201)

**CANCELLATION OF TOWER LEASE AGREEMENT WITH US WEST (QWEST) COMMUNICATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to cancel Tower Lease Agreement effective September 30, 2003, between U.S. West (Qwest) Communications and Maricopa County, for use of Qwest's building and tower space at Shaw Butte in Phoenix, Arizona. Maricopa County has relocated its microwave radio equipment to a different site and no longer requires the leased space from Qwest. Terms of the agreement call for 360 days written notice of cancellation; such notice was provided to Qwest on September 17, 2002. All lease payments are current, and the county and Qwest agree that September 30, 2003, is an appropriate date for termination of the agreement. Approving this action will save \$27,900 over the next three fiscal years. (C7699016101YY)

**CHANGE ORDER TO CONTRACT WITH JOE E. WOODS, INC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Change Order No. 20 to Contract JE00-09 with Joe E. Woods, Inc., in the amount of \$78,600, and other terms and conditions as set forth in the change order. This contract is for the construction of the Lower Buckeye Jail Central Services Project. This change order incorporates various changes required to complete construction and allow occupancy. The increase is within the project budget. On October 4, 2000, the Board approved the award of a general construction contract to construct this facility. The contract was awarded for \$40,346,000, and this change order exceeds the Capital Facilities Development Department Director's 5% change order authorization approved by the Board on June 10, 2002. (C4001006105)

**CHANGE ORDER TO CONTRACT WITH TARGET GENERAL, INC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Change Order No. 21 to Contract JE01-02 with Target General, Inc. in the amount of \$823,413. This contract is for the construction of the Lower Buckeye Jail Adult Detention Facility. This change order incorporates various changes required to complete construction and allow occupancy. The increase is within the budget. On February 7, 2001, the approved the award of a general construction contract to construct this facility. The contract was awarded for \$98,942,000, and this change order exceeds the Capital Facilities Development Department Director's 5% change order authorization approved by the Board on June 10, 2002. (C4001010004)

**CONTRACTS WITH D.L. WITHERS CONSTRUCTION, L.C. OF PHOENIX**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and authorize the execution of the following contracts with D.L. Withers Construction, LC, of Phoenix, Arizona, in substantially the forms attached when approved by County Counsel, with Guaranteed Maximum Prices (GMP).

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

- a) Contract CFD02-07 (Construction Phase Grading and Drainage), GMP price of \$1,002,972. This amount is to provide Construction Manager-(CM)-at-Risk Grading and Drainage Services in order to allow an early construction start on the Maricopa County Human Services Campus project. The final GMP for completion of all construction activities on the project will be presented to the Board for their approval at a later date. (C4003014501)
- b) Contract CFD02-05 (Construction Phase), GMP price of \$5,830,084. This contract is to provide Maricopa County Sheriff's Office (MCSO) Property and Evidence Storage Facility Construction Manager-(CM)-at-Risk Construction Phase Services. The contract is scheduled to take 330 days for construction. (C40040045)

**INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DIVISION OF EMERGENCY MANAGEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an Intergovernmental Agreement between the Maricopa County Department of Emergency Management (MCDEM) and the Arizona Division of Emergency Management (ADEM). This IGA is required for all state agencies and political subdivisions participating in US Dept of Homeland Security (DHS), Office of Domestic Preparedness (ODP) reimbursement grant programs. The IGA will be effective on the date signed by all parties and renewable on an annual basis. (C15040282)

**EASEMENTS AND RIGHT-OF-WAY**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

- A082.002 (AC) Project No: 69010 - Dixileta Drive (171th Avenue - 163rd Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 503-51-141A - Carla Jean Espinoza - for the sum of \$16,917.00.
- A082.002 (AC) Project No: 69010 - Dixileta Drive (171th Avenue - 163rd Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 503-51-141A - Carla Jean Espinoza.
- A082.003 (AC) Project No: 69010 - Dixileta Drive (171st Avenue - 163rd Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 503-51-137A - Frank G. Losada and Cecilia E. Losada - for the sum of \$19,333.00.
- A082.003 (AC) Project No: 69010 - Dixileta Drive (171st Avenue - 163rd Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 503-51-137A - Frank G. Losada and Cecilia E. Losada.
- A238.006 (AC) Project No: 69010 - Hermosa Vista Drive (80th Street - Hawes Road) - Easement and Agreement for Highway Purposes - Parcel No. 219-26-002Q - Joseph Rodgers and Cynthia Rodgers - for the sum of \$1,552.00.
- A238.006 (AC) Project No: 69010 - Hermosa Vista Drive (80th Street - Hawes Road) - Purchase Agreement and Escrow Instructions - Parcel No. 219-26-002Q - Joseph Rodgers and Cynthia Rodgers.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

- A260.004  
(AC) Project No: 69010 - 222nd Street (Pecos Road - Williams Field Road) - Easement and Agreement for Highway Purposes - Parcel No. 304-34-051 - Mark David Davis and Joyce Davis – for the sum of \$4,994.00.
- A260.004  
(AC) Project No: 69010 - 222nd Street (Pecos Road - Williams Field Road) - Purchase Agreement and Escrow Instructions - Parcel No. 304-34-051 - Mark David Davis and Joyce Davis.
- A260.006  
(AC) Project No: 69010 - 222nd Street (Pecos Road - Williams Field Road) - Easement and Agreement for Highway Purposes - Parcel No. 304-34-045 - Joseph P. Stecher and Kathryn M. Stecher - for the sum of \$7,264.00.
- A260.006  
(AC) Project No: 69010 - 222nd Street (Pecos Road - Williams Field Road) - Purchase Agreement and Escrow Instructions - Parcel No. 304-34-045 - Joseph P. Stecher and Kathryn M. Stecher.
- A267.017  
(AC) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Warranty Deed - Parcel No. 303-29-031F - Mary Wood - for the sum of \$13,200.00.
- A267.017-5  
(AC) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Irrigation Easement - Parcel No. 303-29-031F - Mary Wood - for the sum of \$314.00.
- A267.017-6  
(AC) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Aerial Easement - Parcel No. 303-29-031F - Mary Wood - for the sum of \$2,400.00.
- A267.017  
(AC) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-29-031F - Mary Wood.
- A288.004  
(AC) Project No: 69010 - Maddock Road (17th Avenue - 11th Avenue) – Easement and Agreement for Highway Purposes - Parcel No. 211-51-048A - Annette M. Sutton - for the sum of \$15,155.00.
- A288.004  
(AC) Project No: 69010 - Maddock Road (17th Avenue - 11th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 211-51-048A - Annette M. Sutton.
- A288.007  
(AC) Project No: 69010 - Maddock Road (17th Avenue - 11th Avenue) – Easement and Agreement for Highway Purposes - Parcel No. 211-51-052C - Christina Lee Monk - for the sum of \$16,671.00.
- A288.007  
(AC) Project No: 69010 - Maddock Road (17th Avenue - 11th Avenue) – Purchase Agreement and Escrow Instructions - Parcel No. 211-51-052C - Christina Lee Monk.
- A288.009  
(AC) Project No: 69010 - Maddock Road (17th Avenue to 11th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 211-51-053H - Brian E. Cadwallader and Gina M. Cadwallader - for the sum of \$7,590.00.
- A288.009  
(AC) Project No: 69010 - Maddock Road (17th Avenue to 11th Avenue) – Purchase Agreement and Escrow Instructions - Parcel No. 211-51-053H - Brian E. Cadwallader and Gina M. Cadwallader.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

- DD-9433            R/W Dedication – Easement and Agreement for Highway Purposes - Parcel No. 501-49-091C - JND Resources, L.L.P. - for the sum of \$10.00.  
(TS)
- DD-9436            R/W Dedication – Easement and Agreement for Highway Purposes - Parcel No. 502-62-001B - Jackrabbit Investment Associates - for the sum of \$10.00.  
(TS)
- DD-9436            R/W Dedication – Purchase Agreement and Escrow Instructions - Parcel No. 502-62-001B - Jackrabbit Investment Associates.  
(TS)
- N/A                Project No: MC 85 Extension (SR 85 to Turner Road) - Letter Agreement for a  
(CS)                Temporary Ingress and Egress Permit - Parcel No. 401-07-008A - Carmichael Farms -  
                         for the sum of \$100.00.
- X-1502            Project No: 68927 - Ellsworth Road (Germann Road to Guadalupe Road) - Agreement  
(JPP)                for Right of Entry - Parcel No. 304-35-011F, 017A, 025 – Williams Gateway Airport  
                         Authority - for the sum of \$1.00.

**FORMAL RESPONSE TO TRANSPORTATION POLICY COMMITTEE'S RECOMMENDATION**

Item: Adopt the Board of Supervisors formal response to the Transportation Policy Committee's recommended 20-year comprehensive, performance-based, multimodal and coordinated regional transportation system. (ADM2012-001)

Supervisor Wilcox said she had met with Jack Tevlin, City of Phoenix, regarding the rapid transit portion of the transportation plan and felt it would benefit both the County and the City for Mr. Tevlin and his staff to meet with the Board of Supervisors prior to the final vote on the plan to explain their views. She asked for a meeting date to be set aside for this. The Chairman said that efforts would be made to accommodate her request.

Supervisor Stapley reported that those from MCDOT who have worked on the transportation plan had made a formal presentation to the City of Phoenix and MAG (Maricopa Association of Governments) officials yesterday. He said that there is more work to be done but the timeframe mandated by HB 2292 requires this to be moved forward. He complimented the MCDOT staff for all the hard work they have put into the plan during the past year and said he felt that they have devised a very responsible and regional solution that gives the most return to the taxpayers for all monies spent over the next 20 years. He said their suggested changes are based on performance and it is overall a better balanced and better performing plan than the Hybrid Plan the Transportation Policy Committee (TPC) of MAG approved last July. He cautioned members that this is a very important vote and said that the plan's components will continue to be discussed and debated during the coming weeks. He added that the ADOT response to the Hybrid Plan shows the same concerns and asks for the same changes and modifications to the plan that the County is asking to have made. He reiterated that the formal response has to be put forward at this time in order to meet the deadline.

Supervisor Wilson said, "When politicians deal with politicians from different areas of Maricopa County it is difficult to avoid getting "political" when it comes to who gets more or who gets less. But from the view that Maricopa County has taken, our plan would be a regional plan and we would review it based on a performance basis." He said that if the parochial interests of each town continues to be used as the guide he didn't know if the bill would ever get enough votes from legislators to pass.

**FORMAL SESSION  
September 10, 2003**

Supervisor Kunasek complimented the MCDOT staff for their thorough and objective work and he asked them to "do a full analysis of the late arriving data from Phoenix and to brief the Board prior to the MAG meeting vote."

Supervisor Stapley responded that the next TCP meeting is September 17 and it was anticipated that the transportation plan would be adopted at that time and submitted to the MAG Regional Council for their action. The business coalition, and others, have requested that there not be a final decision made on the plan next week by the TCP. He said that the County has requested a time slot on the agenda to discuss recommended changes but no response has been received from the chairman on whether this will be possible.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt the Board of Supervisors formal response to the Transportation Policy Committee's recommended 20-year comprehensive, performance-based, multimodal and coordinated regional transportation system.

**RESOLUTION FOR DRAINAGE EASEMENT ABANDONMENT (EA 117)**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the following resolution be adopted to abandon a drainage easement by Resolution EA 117, located within Lot 216 of Phoenix Skyline West Three Amended Subdivision, Book 209 of Maps, Page 33, M.C.R. in the vicinity of Lower Buckeye Road and Rainbow Road. An alternate drainage easement has been provided elsewhere on the lot. (C6404066B) (ADM2007)

**RESOLUTION FOR DRAINAGE EASEMENT ABANDONMENT  
EA 117**

**WHEREAS**, the Board of Supervisors as the governing body of Maricopa County may, subject to the prohibitions, restrictions and limitations as set forth in section 11-830, adopt and enforce standards for excavation, landfill and grading to prevent unnecessary loss from erosion, flooding and landslides the County pursuant to Title 11, Chapter 2, Article 4 of the Arizona Revised Statutes (as amended), and

**WHEREAS**, the Board of Supervisors has the authority to accept or reject offers of dedication of private property by easement, deed, subdivision plat or other lawful means for public streets; But does not have authority to acquire any right, title or interest in any drainage easements provided for in recorded subdivision plats, and

**WHEREAS**, there has been sufficient evidence provided by the property owner to justify the abandonment of an existing drainage easement within the limits of the herein referenced lot, and

**WHEREAS**, no abutting property owners are adversely affected by this request, and

**WHEREAS**, there is no objection to said abandonment described as follows:

All of the 20 foot wide drainage easement located within Lot 216 Phoenix Skyline West Three Amended per plat recorded in Book 209 of Maps, Page 33, Maricopa County Records, Maricopa County, Arizona, being located in a portion of the South East quarter of Section 15, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County Arizona.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

**NOW, THEREFORE, BE IT RESOLVED**, that Maricopa County by this resolution hereby indicates that it never had any interest in the drainage easement and that this action by Maricopa County in no way affects the rights of any private parties to oppose the abandonment or assert any rights resulting therefrom or existing previous to any action by Maricopa County.

**DATED** this 10<sup>th</sup> day of September 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**AMENDMENT TO CONTRACT WITH OLSSON ASSOCIATES**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 1 to On-Call Transportation Planning, Travel Modeling, Policy Development, and Performance Measures, Contract No. CY 2002-55, with Olsson Associates, which will extend the performance period of the contract by one-year through June 30, 2004. It is also requested that the contract amount be increased in an amount not-to-exceed \$50,000 for a new revised contract amount of \$175,000. (C6402245501)

**AMENDMENT TO CONTRACT WITH C.L. WILLIAMS CONSULTING, INC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 1 to On-Call Policy Analysis and Intergovernmental Coordination as it Relates to Regional Transportation Issues, Contract No. CY 2002-67, with C.L. Williams Consulting, Inc.; which will extend the performance period of the contract by one year through June 30, 2004. It is also requested that the contract amount be increased in an amount not to exceed \$10,000 for a new revised contract amount of \$135,000. (C6402280501)

**INTERGOVERNMENTAL AGREEMENT WITH STATE OF ARIZONA**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an intergovernmental agreement between Maricopa County and the State of Arizona, through the Arizona Department of Transportation (ADOT). The agreement is in regard to the construction of a screen wall south of McDowell Road, extending from Gilbert Road to Mesa Drive. ADOT will also maintain the wall upon completion of the construction. ADOT will act as the lead agency on the \$2,100,000 project, and the county will share the cost. The county has budgeted \$1,700,000 in FY 2004 under Work Order No. 68957, T081, Gilbert Road, McDowell to SR 87. This wall was also referred to in previous Agenda No. C640301352, an agreement with the Salt River Pima Maricopa Indian Community, which required the construction of the wall in order for the community to accept the McDowell Road right-of-way from the county. (C64040322)

**CONTRACT WITH PARSONS BRINCKERHOFF CONSTRUCTION SERVICES, INC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Consultant Services Contract No. CY 2004-19 with Parsons Brinckerhoff Construction Services, Inc., in an amount not-to-exceed \$1,313,512 plus a not-to-exceed allowance of \$40,000 for pre-approved overtime for the construction management services during the construction of the Gilbert Road (McDowell Road to SR 87) project, Work Order No. 68957. This project consists of constructing a six-lane roadway and low flow crossing across the Salt River along the Gilbert Road alignment to SR 87. A continuous left turn lane is provided from McDowell Road to the Salt River and a divided roadway cross



<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**September 10, 2003**

section from the river north to SR 87. The work shall include crossroad improvements, storm drain system, noise wall, landscaping and channel construction. (C64040645)

**MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda. ([List on file in the Clerk of the Board's Office.](#))

**ESTABLISH POOL OF FUNDS FOR LEVEL I BEHAVIORAL HEALTH RESIDENTIAL TREATMENT CENTER FACILITY SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to establish a pool of funds for Level I Behavioral Health Residential Treatment Center (RTC) facility services, with an amount not-to-exceed \$1,486,280. The pool will commence upon Board approval and proceed through August 31, 2005. This amendment establishes a pool to fund all Level I Behavioral Health RTC facility services. Currently, five members are receiving this service. It is not possible to predict the utilization by health plan members of the individual Level I Behavioral Health RTC facilities that will be in the pool, because choice of facility is frequently based on bed availability. This lack of predictability has caused an aggregate of excessive funds to be encumbered for the service. Currently, MIHS contracts with six Level I Behavioral Health RTC facilities: Arizona Baptist Children's Services; Devereux, Arizona; Mingus Mountain Estate Residential Center, Inc.; The New Foundation; Prehab of Arizona, Inc.; and Youth Development Institute. All Level I Behavioral Health RTC facilities' initial contracts are approved by the BOS. All existing contracts for Level I Behavioral Health RTC facility services will be amended into the pool. No funds will be transferred with the contracts, if the contract has not expended all the funds in its previous not-to-exceed amount. (C60040871)

**CONTRACT WITH ARIZONA BAPTIST CHILDREN'S SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a contract with Arizona Baptist Children's Services for Behavioral Health Level I Residential Treatment Center Services, effective upon Board approval through August 31, 2005. The proposed not-to-exceed amount is a percentage of the pool amount for all Behavioral Health Level I Residential Treatment Centers, which is \$1,486,280 (Agenda No. C60040871). The contract may be extended for up to a total term of five years and may be terminated with 90-days written notice by either party. (C60040821)

**PERFORMANCE INCENTIVE AWARDS TO HOME HEALTH DEPARTMENT EMPLOYEES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize Maricopa Integrated Health Systems to provide Performance Incentive Awards to Home Health Department employees performing functions related to the Home Health Department throughout FY 2003 per Section VII, paragraph D of the Maricopa County Employee Compensation Plan, as revised August 9, 2000. The Performance Incentive Awards will be provided to staff that exhibit the organizational values crucial to patient care to encourage high performance and as retention strategy during the transition of the department outsourcing via previously approved contracts. Individual's awards will be for up to a maximum of \$1,000, per employee. Analysis of the home health department indicates the department outsourcing would result in annual savings of \$107,476 for FY 2004 and \$183,647 starting in FY 2005. MIHS-HP members who currently receive services from the MIHS home health department will transition to one of four vendors contracted with MIHS-HP. (C9004038M) (ADM3308)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

**LEASE WITH SHRINERS INTERMOUNTAIN NORTHWEST**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) on a roll call vote, with Supervisors Stapley, Kunasek, Wilcox, Wilson and Brock voting "aye," to approve a new Lease between Shriners Intermountain Northwest and Maricopa Integrated Health System for the lease of space in the Comprehensive Health Center one day a month, five times per year. Term of the Lease is two years, commencing upon execution by the Board and may be automatically renewed up to three additional years unless terminated by either party with 90-days written notice. Anticipated revenue for this lease is \$8,788 per year, \$8,410 per year for radiology services and \$378 per year in rent. Per day rental rate is \$75.60 per day (x 5 days), radiology services are reimbursed at 100% of the AHCCCS rate. (C90040414)

**APPOINTMENT OF BETTY MEDRANO TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint Betty Medrano to the Community Development Advisory Committee, as District 5 nominee. The term will be from September 10, 2003, to June 30, 2004. (C06040130) (ADM1501)

**HEARING SET - ENVIRONMENTAL SERVICES – RULE 324**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, October 22, 2003, to solicit comments as required by ARS §49-479(b), on proposed new Rule 324, Stationary Internal Combustion Engines, and to solicit comments on submitting the rule as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is expected to adopt proposed new Rule 324 and to submit the rule as a revision to the (Arizona) State Implementation Plan. (C88040077) (ADM2102)

**HEARING SET - SUPERIOR COURT – CASE MANAGEMENT FEE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, October 8, 2003, to solicit comments regarding an amendment to the current Case Management Fee to include an additional \$100 fee, to be assessed upon each party in any civil, pre-decree family, probate and tax case on the 26th combined filing, and on every subsequent 25th combined filing (the 51st, 76th, 101st, et seq.); and, authorize but do not require immediate imposition and collection of this fee in post-decree Family Court matters. The parties on whom the fee will be assessed shall be as defined in a Superior Court Administrative Order and any succeeding orders. Except in post-decree Family Court matters, the fee will be assessed and collected in cases filed on November 1, 2003 and thereafter. Assessment and collection of this fee in post-decree Family Court matters will be deferred until the Court implements necessary changes to the iCIS system. Authority for this request is based on ARS §11-251.08 and State of Arizona Attorney General Opinion 195-18 (R94-63). This fee does not exceed the actual cost of the service and will be deposited by the Clerk of the Court in the Superior Court Special Revenue Fund (Fund 259) for disbursement on approval of the Presiding Judge with expenditures subject to appropriation by the Board of Supervisors. (C38040068) (ADM1005)

**HEARING SET –TRANSPORTATION – MAPLEWOOD STREET IMPROVEMENT DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, October 8, 2003, to hear the petition to organize

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

the Maplewood Street Improvement District. Petitions with the requisite number of signatures have been presented requesting the formation of an improvement district for paving of Maplewood Street. (C64040657) (ADM4302)

**ORDER SETTING PETITION FOR HEARING AND DIRECTING  
NOTICE ON MAPLEWOOD STREET IMPROVEMENT DISTRICT**

A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, on July 31, 2003, and presented to said Board of Supervisors on September 10, 2003, petitioning for the establishment of the Maplewood Street Improvement District, in the County of Maricopa, State of Arizona, and said petition appearing to be in compliance with Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956. It is ordered that said petition be set for hearing before the Board of Supervisors, at its regular meeting place at 205 West Jefferson Street, in the City of Phoenix, County of Maricopa, State of Arizona, on the 8<sup>th</sup> day of October 2003, at the hour of 9:00 a.m., at which hearing all interested property owners may appear and be heard on any matter relating to the establishment of the proposed District, and, any person wishing to object to the establishment of the District, may, before the date set for hearing, file his objections with the Clerk of the Board of Supervisors. Notice of said hearing, stating the boundaries of the proposed District shall be published two (2) times in the Arizona Business Gazette, a newspaper published in Maricopa County and of general circulation published in the county within which the proposed District is located. Said publications shall be one (1) week apart and the first publication shall be not less than ten (10) days prior to the date of the hearing.

The foregoing order was adopted following motion made and unanimously carried.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**HEARING SET - ROAD FILE DECLARATION**

Petition has been filed for declaration of the following road into the County highway system. If approved, a hearing may be scheduled for 9:00 a.m., Wednesday, October 8, 2003:

**Road File A233-R:** General vicinity of 82<sup>nd</sup> Street, from the southwest corner of north half of the southeast quarter of the southeast quarter being the end of maintenance north to Palm Lane. (C6403052501)

**HEARING SET - PLANNING AND ZONING CASES**

There were no Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County to report at this time.

**HEARING SET - CODE ENFORCEMENT REVIEW**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to determine that oral argument will be permitted in the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. 2002-00861, Scott and Paula Rowley and schedule a public hearing for 9:00 a.m., Wednesday, September 24, 2003. (Addendum Item No. A-1) (ADM3417-20)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

**MINUTES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held July 1 and 28, 2003.

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the appointment and cancellation of appointment of Precinct Committeemen. (ADM1701)

**COMBINED CHARITABLE CAMPAIGN CONTRIBUTIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the acceptance of cash and in-kind contributions generated for the 2004 Combined Charitable Campaign through corporate sponsorships and donations. These contributions will support the expenses associated with the Maricopa County 2004 Combined Charitable Campaign and will also be used as incentives to encourage employee participation. Itemized listings of commitments and donations received will be on file in the office of the Clerk of the Board. (C88040057) (ADM3311-002)

Nationwide Retirement Solutions	100 calculators 100 T-Shirts Continental Breakfast for Dept. Rep. Training = \$1379.65
Avery Dennison	5 boxes (500) name badges, item # 74461, (Casual Day Badge)
Office Depot	Coordinated the donation of badges from Avery Denison
Frys Food Store	\$20 Gift Certificate to a Frys Store
Dodge Theatre	Dodge Theatre for Kick Off & 2 tickets to an upcoming show
Balloons Works	Balloons for Kick Off Event
Phoenix Suns Gorilla	Gorilla for 30 minutes for Kick Off
	Framed Picture & Jack Nicklaus shirt
North Star College	Gift certificate for a 30 minute student chart reading/consultation
Rain Star University	Gift Certificate
Majerles Sports Grill	Gift Certificate for dinner for two at Majerles Sports Grill
Phoenix Suns Dancers	Phoenix Suns Dancers to perform at the Kick Off event
Adopt-A-Baer	Wood Sculpted Bear
Hollywood Video	Two buckets of popcorn, 4 boxes of candies, 4 DVDs, cost of approximately \$70
Chef Randall	Turbo Cooker
Cheese Cake Factory	Dinner for Two, \$50
Home Depot	Cordless Drill
GNC	\$50 Gift Certificate
Quizno's Subs	5 Small Toasty Combos
Joe's Real BBQ	2 \$10.00 Gift Certificates
Safeway Companies	\$10.00 Gift Card
Pizza Hut	Free Large Pizza
Tomato Shack	2 \$10.00 Gift Certificates
Baja Fresh Mexican Grill	10 "Burrito and Beverage"
Islands	2 \$25.00 Gift Certificates
The Good Egg	2 "Free Entrée"

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

The Coffee Bean & Tea Leaf Al Macias Mary Lee Madison BOS David Smith	Gift basket valued at \$150.00 2 Tickets to a Diamondbacks Game 2 Tickets to a Diamondbacks Game 2 Tickets to a Diamondbacks Game \$50 for 2 Basketballs
--	---

**SECURED TAX ROLLS**

No corrections of the Secured Tax Rolls were presented at this time. (ADM705)

**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Anitha Kandola	AD00330558916	General	\$225.00
Kay Brayton	AD00330553263	Expense	\$152.45
Sonia Ruiz	23064311	Payroll	\$612.01

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Amanda D Berndt	FHUSD	14-0014693	\$802.42
Rene Bishop	Alhambra SD #68	14-12553	\$951.80
Isabelle P Mendez	Fowler SD	14-0011737	\$186.70
City of Goodyear	Agua Fria Union High SD #216	44-0004085	\$21,412.53
Alfredo M Chavez	Phoenix Elem SD #1	1629647	\$375.26
Alfredo M Chavez	Phoenix Elem SD #1	14-0008112	\$36.75
Teresa Lopez	Roosevelt SD #66	14-0005092	\$291.80
Alhambra SD	Alhambra SD	13-0163645	\$159.64
B-B Sandblasting & Painting	Pendergast SD #92	43-134516	\$275.00
Veronica Hurtado	Litchfield Elem SD #79	13-0167675	\$195.78
Theresa F Dowling	Liberty SD #25	1-3-0079547	\$989.90
Troxell Communications	Liberty Elem SD #25	43-0133310	\$347.20

**STALE DATED WARRANTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

<b>NAME</b>	<b>AMOUNT</b>
Victoria Clark	\$776.76

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of tax cases, list dated September 10, 2003. (ADM704)

<b>2002</b>	ST 02-000302	ST 02-000190
TX 01-000577	ST 03-000017	ST 03-000012
TX 01-000590		ST 03-000013
TX 01-000593	TX 02-000465	ST 03-000015
<b>2002/2003</b>	TX 03-000021	TX 02-000544
ST 02-000251	TX 03-000024	TX 02-000568
<b>2003</b>	TX 03-000092	TX 03-000020
ST 02-000139	TX 03-000162	<b>2004</b>
ST 02-000262	<b>2003/2004</b>	

**CLASSIFICATION CHANGES**

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Assessor's recommendations to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
103-53-193B	2003	Rosa Fuentes	LC/4	LC/3
110-25-044	2001	Ben Nunes	LC/4	LC/3
110-25-044	2002	Ben Nunes	LC/4	LC/3
110-25-044	2003	Ben Nunes	LC/4	LC/3
123-58-271	2001	Marcos Arce	LC/4	LC/3
123-58-271	2002	Marcos Arce	LC/4	LC/3
123-58-271	2003	Marcos Arce	LC/4	LC/3
133-34-582	2001	James Curley	LC/4	LC/3
133-34-582	2002	James Curley	LC/4	LC/3
133-34-582	2003	James Curley	LC/4	LC/3
133-42-009	2001	Eric S Lind	LC/4	LC/3
133-42-009	2002	Eric S Lind	LC/4	LC/3
133-42-009	2003	Eric S Lind	LC/4	LC/3
142-84-085	2003	Dennis Curran	LC/4	LC/3
232-01-012	2001	William Jansen	LC/4	LC/3
500-53-123	2001	Nola I Hawkins	LC/4	LC/3
500-53-123	2002	Nola I Hawkins	LC/4	LC/3
500-53-123	2003	Nola I Hawkins	LC/4	LC/3

**PUBLIC COMMENT**

No member of the public came forward to speak at this time. (ADM605)

**SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS**



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

Supervisor Stapley congratulated Phoenix Mayor Elect Phil Gordon on winning the recent election, and added that he had known and worked with Mr. Gordon for years and anticipated their good relationship to continue in their mutual efforts to improve the quality of life for Valley residents. (ADM606)

Supervisor Wilson congratulated Mayor Elect Drake of Avondale and his reelection after a vigorous election process.

Supervisor Wilcox added her congratulations to both Mayors and said she felt the relationship with the City of Phoenix would be a good one.

Chairman Brock said he also looked forward to working with the newly elected mayors, their administrators and council members.

Supervisor Kunasek explained that Tom Simplot, his former interim chief-of-staff, was still awaiting the final count but it appeared he would be elected to the Phoenix City Council and Mr. Kunasek extended his congratulations. He mentioned that both Mr. Simplot and Mayor Elect Gordon have a long and good working knowledge of the County and that this should "bode well with our relations with the City in the future."

**PLANNING AND ZONING**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

1.     **Z2003-025     District 3**  
       **Applicant:**     Roy and Katherine Catalo  
       **Location:**     29209 N. 56<sup>th</sup> St. – on the east side of 56<sup>th</sup> St., between Dixileta Rd. and Dynamite Rd. (in the north Phoenix area)  
       **Request:**        Special Use Permit (S.U.P.) for an existing private school in the Rural-43 zoning district - Cave Creek Montessori (2.08 ac.)

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2003-025, subject to the following stipulations "a" through "j". Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.

- a.     Development and use of the site shall comply with the site plan entitled "Cave Creek Montessori", consisting of one (1) full-size sheet, dated May 14, 2003 and stamped received May 15, 2003, except as modified by the following stipulations.
- b.     Development and use of the site shall comply with the narrative report entitled "Narrative Report Cave Creek Montessori School", consisting of three (3) pages, undated but stamped received May 15, 2003, except as modified by the following stipulations.
- c.     All transformers, back-flow prevention devices, utility boxes and all other utility related ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

- d. Hours of operation shall be from 7:30 a.m. to 9:00 p.m., Monday through Friday.
- e. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- f. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- g. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
- h. Prior to construction all necessary water, and waste water/septic tank permits must be obtained from the Maricopa County Environmental Services Department.
- i. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- j. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors. Any request for an extension shall be made at least six months prior to the expiration date.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this Special Use Permit.

- 2. S2003-028 District 3**  
**Applicant:** Stanley Consultants for Anthem Arizona, L.L.C.  
**Location:** Southwest corner of Daisy Mountain Dr. & Meridian Rd. (in the Anthem/Desert Hills area)  
**Request:** Final Plat in the R1-8 R.U.P.D. zoning district – Anthem Meridian Drive Lots 1 & 2 (41.02 ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this final plat.

**REGULAR AGENDA DETAIL:**

- 3. Z2002-002 District 1**  
**Applicant:** Arleen Meyer and Greg Hornby  
**Location:** 17309 S. 144th St. - on the east side of 144th St., south of Pecos Rd. (in the Gilbert area)  
**Request:** Special Use Permit (S.U.P.) for a dog kennel in the Rural-43 zoning district (1.14 ac.)

**FORMAL SESSION  
September 10, 2003**

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of Z2002-002, subject to the following stipulations "a" through "p". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development shall be in substantial conformance with the site plan consisting of one (1) full-size sheet entitled "Kennel Project", stamped received August 4, 2003, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "The Kennel Project", consisting of five (5) pages, and stamped received August 4, 2003, except as modified by the following stipulations.
- c. Prior to Zoning Clearance, the applicant shall obtain a permit in accordance with the Maricopa County Environmental Services Department for the new on-site wastewater (septic) system that will serve the dog kennel. The current system will be enlarged or an independent system will be installed to meet the demands of the project.
- d. Prior to Zoning Clearance, existing driveways must be paved in County right-of-way.
- e. All driveways and parking spaces must meet EPA requirements for dust control.
- f. Prior to site development approval, the owner or agents of the property shall obtain a drainage clearance from the Flood Control District as a part of the building permit. Perpendicular cross sections from property line to property line prepared, stamped and signed by a Registered Civil Engineer or a Registered Land Surveyor in the State of Arizona must be incorporated in the grading plan.
- g. A maximum of 10 dogs shall be boarded at the kennel at any one time.
- h. Dogs shall not be allowed outside from 10:00 p.m. to 7:00 a.m.
- i. Dogs shall not be allowed to exercise outside the kennel building unsupervised.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors or upon termination of the use, whichever occurs first.
- l. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- m. Major changes to the Precise Plan (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

- n. Noncompliance with the Plan of Development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- o. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- p. Within 90 days of Special Use Permit approval by the Board of Supervisors, the property owner shall obtain "as built" permits as necessary for all structures on the site.

Joy Rich gave background on this case from the Planning Commission hearing and indicated that stipulations "g", "h" and "i" were included to prevent potential problems with neighbors concerning kennel noises. The permit is for 10-years with a compliance review in 5-years.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval, subject to stipulations "a" through "p."

- 4. Z2002-159 District 2 - CONTINUED**
- Applicant:** Morris Mickelson for T-Mobile and the Arizona State Land Department
- Location:** Southeast side (approx. 1550 N. block) of McDowell Mountain Rd. (in the Fountain Hills/Ft. McDowell area)
- Request:** Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 - County East Monopole (0.06 ac.)

**COMMISSION ACTION:** Commissioner Gulbrandsen moved to recommend approval of Z2002-159, subject to the following stipulations "a" through "r". Commissioner Denny seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "COUNTY EAST MONOPOLE PH31508E". Consisting of seven (7) full-size sheets, dated revised January 27, 2003 and stamped received March 4, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Revised Project Submittal Narrative for a Special Use Permit Z2002159 County East Monopole" consisting of three (3) pages, dated and stamped received March 4, 2003.
- c. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

**FORMAL SESSION  
September 10, 2003**

- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- e. Prior to drainage clearance for building permit, a drainage report must be submitted for reviewed and approval by the Flood Control District.
- f. Driveway within the County right-of-way shall be paved or surfaced at the discretion of MCDOT, and permit will be required to connect the paved driveway to the County road.
- g. Driveway and parking area must meet EPA requirements for dust control.
- h. The ground equipment site shall be walled in by an eight-foot (8') high CMU wall that includes a parking area.
- i. Should unanticipated effects or previously unidentified historic properties be discovered during the construction of the wireless facility, all work shall cease and desist until the State Historic Preservation Office deems in writing that construction can recommence.
- j. No construction activities shall occur at the wireless facility between the dates of February 1 through July 30 of any given year. Routine maintenance on existing equipment or the emergency repair of said equipment would be permitted unless agencies representing the State of Arizona or the Federal Department of Interior deem such work as disruptive to the wildlife and require a cease and desist order.
- k. No large trees (equal to or greater than 6 inches diameter at breast height) or saguaro cacti shall be removed as the result of construction activities at the subject site. All construction activities must be planned around such vegetation to prevent their removal or damage.
- l. No antenna arrays shall be greater than 12 feet in width. Under no circumstances will catwalk type structures be permitted on the monopole.
- m. The monopole shall be limited to a maximum of three antenna arrays. Co-located antennas of future carriers agreeing to the aforementioned stipulations can be permitted with a minor amendment to the site plan administratively approved by the staff of the Planning and Development Department.
- n. All antenna arrays will be minimal in nature and neutral in color to blend with surrounding area. The CMU wall located at the base of the monopole will be stuccoed, constructed of natural materials or some other aesthetic method so that it blends with the surrounding natural desert landscape.
- o. The monopole together with all antennas and attachments will not exceed 80 feet in height as measured from base ground level.
- p. A status report, including clear photos of the wireless facility, shall be required in two (2) years time from the date of approval by the Board of Supervisors, or when the site is completely co-located with three carriers – which ever occurs first.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

- q. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date
- r. Any lighting shall be in compliance with Article 1112 of the Maricopa County Zoning Ordinance and shall be designed to mitigate negative impacts on avian migration and nesting.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this item to the October 22, 2003, meeting to give the applicant additional time to work out conflicts with the State Land Department.

5.     **Z2003-020     District 5 (THIS CASE CONTINUED FROM MEETING OF AUGUST 27, 2003.)**  
      **Applicant:**     Angela Castellano, SRP Communications for Olga M. Redstrom  
      **Location:**    14600 S. Dusty Ln. (in the Laveen/Komatke area)  
      **Request:**     Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 - SRP Wireless Communications Site (0.02 ac.)

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of Z2003-20, subject to the following stipulations "a" through "j". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "SPECIAL USE PERMIT FOR VERIZON 45TH Ave. & DUSTY CELLULAR SITE". Consisting of one (1) full-size sheet, dated revised May 27, 2003 and stamped received June 3, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Project Narrative" consisting of two (2) pages, stamped received June 3, 2003, except as modified by the following stipulations.
- c. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by Planning and Development Department staff.
- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance, including revocation of the Special Use Permit.
- e. Xeriphytic landscaping shall be placed along sides of the wall surrounding the compound for the ground equipment.



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
September 10, 2003**

- f. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
- g. A status report including photos of the array and equipment facility shall be required within two (2) years of Board Approval, or when fully equipped and finished - whichever occurs first.
- h. A second status report will be required within five (5) years of approval by the Board of Supervisors for the purpose of determining compliance with stipulations and to ensure that visibility and vehicular travel along Dusty Lane has not been compromised by construction of the equipment shelter and the associated landscaping.
- i. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- j. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Commission recommendation to allow co-location on a Salt River Project Wireless Communications Site power pole subject to stipulations "a" – "j" with revised stipulation 'e' as shown below.

- e. Landscaping shall be provided as follows:
  - i. Xeriphytic landscaping shall be placed along sides of the wall surrounding the compound for the ground equipment.
  - ii. Landscaping shall include at a minimum three 15-gallon trees, four 15-gallon bushes and five 5-gallon plants to include primarily vines and ground covers of a xeriphytic nature. These landscape elements shall be arranged by a licensed Landscape Architect to generally act as a visual screen around the outside of the walled compound.
  - iii. The placement of trees should be avoided along the side of the compound closest to Dusty Lane in an effort to maintain a maximum clear zone area.
  - iv. All landscaping shall be watered, maintained, and replaced if necessary for the life of the Special Use Permit.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Fulton Brock, Chairman of the Board

ATTEST:

***MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK***

**FORMAL SESSION  
September 10, 2003**

---

Fran McCarroll, Clerk of the Board